

*SC NAACP v. Alexander,*  
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

# Exhibit B

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1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE DISTRICT OF SOUTH CAROLINA  
3           COLUMBIA DIVISION

4           -----x  
5           THE SOUTH CAROLINA STATE  
6           CONFERENCE OF THE NAACP

7           and

8           TAIWAN SCOTT, ON BEHALF OF HIMSELF  
9           AND ALL OTHER SIMILARLY SITUATED  
10          PERSONS,

Case No.  
3:21-CV-03302  
JMC-TJH-RMG

11          Plaintiffs,

12          vs.

13          THOMAS C. ALEXANDER, IN HIS OFFICIAL  
14          CAPACITY AS PRESIDENT OF THE SENATE;  
15          LUKE A. RANKIN, IN HIS OFFICIAL CAPACITY  
16          AS CHAIRMAN OF THE SENATE JUDICIARY  
17          COMMITTEE; MURRELL SMITH, IN HIS OFFICIAL  
18          CAPACITY AS SPEAKER OF THE HOUSE OF  
19          REPRESENTATIVES; CHRIS MURPHY, IN HIS  
20          OFFICIAL CAPACITY AS CHAIRMAN OF THE  
21          HOUSE OF REPRESENTATIVES JUDICIARY  
22          COMMITTEE; WALLACE H. JORDAN, IN HIS  
23          OFFICIAL CAPACITY AS CHAIRMAN OF THE HOUSE  
24          OF REPRESENTATIVES ELECTIONS LAW  
25          SUBCOMMITTEE; HOWARD KNAPP, IN HIS  
              OFFICIAL CAPACITY AS INTERIM EXECUTIVE  
              DIRECTOR OF THE SOUTH CAROLINA STATE  
              ELECTION COMMISSION; JOHN WELLS, JOANNE  
              DAY, CLIFFORD J. EDLER, LINDA MCCALL,  
              AND SCOTT MOSELEY, IN THEIR OFFICIAL  
              CAPACITIES AS MEMBERS OF THE SOUTH  
              CAROLINA STATE ELECTION COMMISSION,  
              Defendants.

-----x

22          STENOGRAPHIC REMOTE VIRTUAL DEPOSITION  
23           CHARLES TERRENI  
24           Tuesday, August 16, 2022

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1                   TERRENI

2       always have to be. I assume you can  
3       comply with Section 2 without having  
4       to consider race as the predominant  
5       factor but it could be.

6       Q.     What about remedying  
7       historical discrimination, has that  
8       been recognized as a compelling  
9       state interest?

10      A.     It may have been recognized  
11       as a compelling state interest but  
12       in the current redistricting  
13       framework, as I understand it,  
14       unless it's expressed through the  
15       Voting Rights Act it wouldn't in and  
16       of itself be -- I don't know there  
17       would be a compelling state interest  
18       for using race as the predominant  
19       factor in redistricting. I never  
20       really had to encounter that.

21      Q.     If staff was instructed not  
22       to consider race during  
23       congressional redistricting, who  
24       would have made that decision on  
25       behalf of the Senate?

1                   TERRENI

2                   MR. GORE: Again, I'm just  
3                   going to object to the extent this  
4                   calls for attorney-client  
5                   communications. And the witness  
6                   can answer to the extent he can do  
7                   so without divulging confidential  
8                   or privileged information.

9                   A. Well, the question is if  
10                  staff were considered -- were  
11                  instructed not to consider race in  
12                  redistricting who would have  
13                  instructed staff in that fashion, is  
14                  that -- did I restate your question  
15                  fairly?

16                  Q. Yes.

17                  A. Well, I don't think anybody  
18                  could have instructed staff in that  
19                  regard better than the chairman or  
20                  the subcommittee and the vote if  
21                  that guidance was given. However,  
22                  if that guidance were given, it  
23                  would have been given by counsel,  
24                  me, Mr. Gore, Mr. Fiffick.

25                  Q. Are you aware whether